

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICHARD DESCLAFANI,

Plaintiff,

- against -

VERIFIED ANSWER

07 CIV 4639 (SHS) (HP)

PAVE-MARK CORPORATION, STIMSONITE
CORPORATION, STIMSONITE CORPORATION,
as successor in interest to PAVE-MARK CORPORATION,
AVERY DENNISON CORPORATION and AVERY
DENNISON CORPORATION, as successor in interest
to STIMSONITE CORPORATION,

Defendants.
-----X

S I R S :

PLEASE TAKE NOTICE, that the defendants, **STIMSONITE CORPORATION** and
AVERY DENNISON CORPORATION, by its attorneys, CONNORS & CONNORS, P.C.,
answering the Summons and Verified Complaint herein, states as follows:

ANSWERING THE FIRST CAUSE OF ACTION

1: Denies each and every allegation of the complaint set forth in paragraphs 1, 2, 3,
6, 8, 9, 11, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37,
38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54 and 55.

2: Admits each and every allegation of the complaint set forth in paragraphs 4 and 5.

3: Denies each and every allegation of the complaint set forth in paragraph 7, except
admits that Defendant, **STIMSONITE CORPORATION**, regularly did or solicited business in
the State of New York.

4: Denies each and every allegation of the complaint set forth in paragraph 10, except admits that Defendant, **AVERY DENNISON CORPORATION**, is a foreign corporation duly authorized to do business in the State of New York.

5: Denies each and every allegation of the complaint set forth in paragraph 12, except admits that Defendant, **AVERY DENNISON CORPORATION**, transacted business in the State of New York.

6: Denies any knowledge or information sufficient to form a belief as to the truth of the allegations of the complaint set forth in paragraphs 19, 20 and 47.

ANSWERING THE SECOND CAUSE OF ACTION

7: Answering paragraph number 56, the defendants, **STIMSONITE CORPORATION and AVERY DENNISON CORPORATION**, repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 7 inclusive of this Answer of the Verified Complaint.

8: Denies each and every allegation of the complaint set forth in paragraphs 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 and 70.

ANSWERING THE THIRD CAUSE OF ACTION

9: Answering paragraph number 71, the defendants, **STIMSONITE CORPORATION and AVERY DENNISON CORPORATION**, repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 9 inclusive of this Answer of the Verified Complaint.

10: Denies any knowledge or information sufficient to form a belief as to the truth of the allegations of the complaint set forth in paragraphs 72, 73, 74, 78 and 79.

11: Denies each and every allegation of the complaint set forth in paragraphs 75, 76, 77, 80 and 81.

ANSWERING THE FOURTH CAUSE OF ACTION

12: Answering paragraph number 82, the defendants, **STIMSONITE CORPORATION and AVERY DENNISON CORPORATION**, repeats, reiterates and realleges each and every allegation contained in paragraphs 1 through 12 inclusive of this Answer of the Verified Complaint.

13: Denies each and every allegation of the complaint set forth in paragraphs 83, 84, 85 and 86.

PLEASE TAKE FURTHER NOTICE, that the following affirmative defenses are set forth as follows:

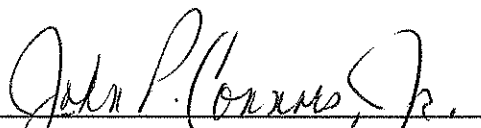
AS AND FOR A FIRST AFFIRMATIVE DEFENSE

The personal injuries alleged to have been sustained by the plaintiff was caused in whole or in part as a result of the culpable conduct attributable to the plaintiff, including, but not limited to, plaintiff's contributory negligence and/or assumption of the risk, and the defendants, **STIMSONITE CORPORATION and AVERY DENNISON CORPORATION**, seeks a reduction of any recovery had by the plaintiff in the proportion which the culpable conduct attributable to the plaintiff bears to the culpable conduct which caused the damages.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

Upon information and belief, plaintiff's economic loss, if any, as specified in Section 4545 of the CPLR, was or will be replaced or indemnified, in whole or in part, from collateral sources, and this answering defendant is entitled to have the court consider the same in determining such special damages as provided in Section 4545 of the CPLR.

Dated: Staten Island, New York
June 7, 2007

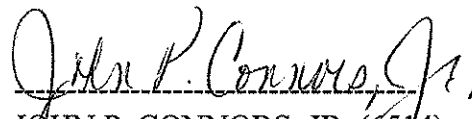

JOHN P. CONNORS, JR. (6514)
CONNORS & CONNORS, P.C.
Attorneys for **Defendants**
STIMSONITE CORPORATION and
AVERY DENNISON CORPORATION
766 Castleton Avenue
Staten Island, NY 10310
(718) 442-1700
File No. DBS 23483

TO: WINGATE, RUSSOTTI & SHAPIRO
Attorney for **Plaintiff**
420 Lexington Avenue
New York, NY 10170
Attn: William P. Hepner, Esq.
(212) 986-7353

PAVE-MARK CORPORATION
Defendant - DOES NOT EXIST

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Verified Answer** was mailed by first class mail, postage prepaid this 13th day of June, 2007, to all counsel of record as indicated below.


JOHN P. CONNORS, JR. (6514)

TO: WINGATE, RUSSOTTI & SHAPIRO
Attorney for **Plaintiff**
420 Lexington Avenue
New York, NY 10170
Attn: William P. Hepner, Esq.
(212) 986-7353

PAVE-MARK CORPORATION
Defendant - DOES NOT EXIST

Civ. RJI No. Hon.
UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK
RICHARD DESCLAFANI,

Plaintiff,

-against-

PAVE-MARK CORPORATION, STIMSONITE
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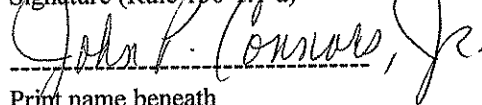
VERIFIED ANSWER

CONNORS & CONNORS, P.C.

Attorneys for DEFENDANTS,
STIMSONITE CORPORATION AND AVERY DENNISON CORPORATION
Office and Post Office Address, Telephone
766 Castleton Avenue
Staten Island, New York 10310
(718) 442-1700 PHONE
(718) 442-1717 FAX

To

Signature (Rule 130-1j-a)



Print name beneath

JOHN P. CONNORS, JR.

Attorney(s) for

Service of a copy of the within

is hereby admitted,

Dated,

Attorney(s) for

Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court, at
on

of which the within is a true copy will be presented for
one of the judges

at

Dated,

Yours, etc.

CONNORS & CONNORS, P.C.
Attorneys for

To

Attorney(s) for

Office and Post Office Address
766 CASTLETON AVENUE
STATEN ISLAND, NEW YORK 10310